

11/19/07
(Special Meeting)

L-07-12 vaz

HOUSING ORDINANCE NO. 07-12

BY: **MARY GALINAS**
(By Request - Public Housing Executive Director)

AN ORDINANCE APPROVING A SMOKING BAN AT PARMA
PUBLIC HOUSING'S PUBLIC HOUSING RESIDENTIAL
FACILITY-CHEVYBROOK ESTATES

WHEREAS, in an effort to protect all residents and prevent property damage from exposure to secondhand smoke and its many harmful effects, the Housing Board of the Parma Public Housing Agency has elected to ban smoking at the Public Housing facility at Chevybrook Estates; and,

WHEREAS, once enacted, the public housing buildings at Chevybrook Estates will be non-smoking; and,

WHEREAS, current residents who are smokers will be grandfathered in. "Grandfathering" means for a reasonable period, such as until lease renewal; and,

WHEREAS, secondhand smoke is a concern because air can travel into adjacent units of persons who may have breathing issues, are on oxygen, or are just not interested in inhaling the smoke; and

WHEREAS, fire safety is a concern as smokers may doze off to sleep or leave a butt that has not been fully extinguished in a trash can; and,

WHEREAS, the cleaning cost for turning a unit over that was occupied by a smoker is nearly double the cost of repairing and cleaning an apartment occupied by a non-smoker; and,

WHEREAS, currently there is no HUD policy that restricts landlords from adopting a prohibition on smoking in common areas or in individual units. The right to smoke is not a right protected under the Civil Rights Act because smokers are not a protected class under federal law. The HUD Handbook provides that "owners are free to adopt reasonable rules that must be related to the safety and habitability of the building and comfort of the tenants. Housing Authority should make their own informed judgment as to the enforceability of house rules; and,

WHEREAS, The Americans with Disabilities Act (ADA) expressly provides that it does not require the accommodation of smoking. Sensitivity to secondhand smoke may be determined to be a disability under the ADA's Fair Housing laws;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That a smoking ban at Parma Public Housing's Public Housing Residential Facility-Chevybrook Estates is hereby implemented.

Housing Residential Facility-Chevybrook Estates

Section 2. Implementing this smoke-free policy at Chevybrook Estates will:

- Reduce escalating burden on families to care for those persons who become ill due to having been a smoker;
- Reduce cleaning and repainting costs. For example, the cost of painting a unit in which smoking has been allowed can be almost double the cost of painting a smoke-free apartment;
- Reduce risk of fire. In 2002 alone, lighted tobacco products caused an estimated 14,450 residential fires, 520 deaths, 1,330 injuries, and \$371 million in residential property damage in the U.S.;
- Possibly reduce insurance credits or decreased premiums. A discount may be available for implementing a smoke-free policy. Insurers may offer credits of up to 5-10% for smoke-free buildings;
- Be self-enforcing and will alleviate mediating disputes brought by residents who are exposed to secondhand smoke against their will.

Section 3. The new smoke-free policy will go into effect when a unit is vacant and a new family leases with the Agency. Current residents who are smokers will be grandfathered in. "Grandfathering" means for a reasonable period, such as until lease renewal.

Section 4. Resident Notification: The Parma Public Housing Agency will post signs letting the residents know about the policy and when it will take effect. The Agency will also provide its residents with information about why secondhand smoke is a problem in public housing units and about the dangers of secondhand smoke.

Section 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6. That this Ordinance shall be in effect from and after the earliest period allowed by law.

PASSED: _____
PRESIDENT OF COUNCIL

ATTEST: _____ APPROVED: _____
CLERK OF COUNCIL

FILED WITH
THE MAYOR: _____
MAYOR, CITY OF PARMA, OHIO